

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DAVID F. EVANS, ET AL.,)	
)	
Plaintiffs)	No. 1:07 CV 739
)	
vs.)	
)	
THE CITY OF DURHAM,)	<u>MEMORANDUM IN SUPPORT</u>
NORTH CAROLINA, ET AL.,)	<u>OF MOTION TO DISMISS</u>
)	
Defendants)	

The defendant Michael B. Nifong, by his counsel, respectfully incorporates by reference in pertinent part, in support of his motion to dismiss the Second Amended Complaint filed today, the memoranda filed herein on January 15, 2008 by the defendants Linwood Wilson (#29) and by the defendants DNA Security, Inc. and Richard Clark (#33). Also incorporated by reference are the memoranda filed on behalf of the defendant Michael B. Nifong, as follows:

#91 January 15, 2009
#97 June 24, 2009
#108 August 12, 2009

Respectfully submitted,

/s/ James B. Craven III
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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2010, I electronically filed this memorandum with the Clerk, through the CM/ECF system which will send notification of such filing to the following:

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